



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JUL 16 2019

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
CELLULAR PHONE NUMBER

RICK WARREN
COURT CLERK

08

THAT IS STORED AT PREMISES
CONTROLLED BY Cellco Partnership d/b/a
Verizon Wireless

No. SW-19-921

AFFIDAVIT FOR A SEARCH WARRANT FROM ELECTRONIC STORAGE

BEFORE THE UNDERSIGNED JUDGE OF THE DISTRICT COURT:

Your affiant, Detective Jennifer Harbuck, being duly sworn, states as follows:

INTRODUCTION AND BACKGROUND

- I. I have been a law enforcement officer with the Oklahoma City Police Department (OCPD) since October 10, 2003. I am currently assigned to the Criminal Intel Unit within OCPD's Special Investigations Bureau, where I hold the rank of Detective. As part of past investigations, I have obtained search warrants authorized by the Honorable Judges of the District Court of Oklahoma County, within the State of Oklahoma; which I then served to service providers of electronic communications in order to obtain information concerning specific subscribers who had committed violations of criminal law as defined by Oklahoma State Statutes. Information obtained from these service providers has aided in identifying and locating the criminal suspects, as well as produced evidence of criminal violations.
- II. I make this affidavit for a search warrant from electronic storage for information associated with a certain Cellco Partnership d/b/a Verizon Wireless phone account which is stored at premises owned, controlled, or operated by Cellco Partnership d/b/a Verizon Wireless, a national telephone company with a service address located in Bedminster, NJ. This affidavit is made pursuant to Title 22 Chapter 24 of the Oklahoma State Statutes, and in compliance with 18 U.S.C. §2703, as well as in support of the authentication of items believed to be evidence as specified in Federal Rule of Evidence 901; to require Cellco Partnership d/b/a Verizon Wireless to disclose to the government, records and other information in its possession, pertaining to the Cellco Partnership d/b/a Verizon Wireless account identified by phone number [REDACTED]

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- III. I submit this affidavit for a search warrant from electronic storage in accordance with the following:
- i. *This court is a court of competent jurisdiction to issue such orders as defined by Title 18 Section 2711 and Section 3127 of the United States Code, and Title 13 Section 177.1 of the Oklahoma Statutes.*
 - ii. *As a court of competent jurisdiction, this Court has the authority to order the disclosure of the above information, pursuant to Title 18 of the United States Code, Section 2703(e) and (d)*
- IV. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other law enforcement officers, and subjects who are part of this investigation. This affidavit is intended to merely show sufficient probable cause exists for the requested search warrant and does not set forth all of my knowledge about this matter.
- V. Based on the facts as set forth in this affidavit, I believe probable cause exists related to violation of Oklahoma criminal statutes.
- VI. Also, based on the facts as set forth in this affidavit, I believe probable cause exists that the Cello Partnership d/b/a Verizon Wireless account, identified by phone number [REDACTED] contain(s) communication, data, and other ascertainable items and information which constitute evidence, and furtherance, of these crimes in the State of Oklahoma in Oklahoma County.

PROBABLE CAUSE

On July 10, 2019 (Wednesday) I was advised of two harassing/intimidating voicemail messages left on July 6, 2019 (Saturday) at 0112hrs and 0119hrs for the OKC THUNDER NBA team. The messages were left in the general mail box of a public number for the THUNDER organization, (405) 208-4800. The THUNDER organization is in OKC, OK county at the Chesapeake Arena (100 W Reno Ave). The voicemails both came from the phone number [REDACTED] the unknown male SUSPECTS voice in both messages sounded the same. The (770) area code covers 31 counties in the state of Georgia. The unknown male SUSPECT acknowledged the 0112hrs phone call in the 0119hrs phone call. The unknown male SUSPECT claimed to be from Virginia.

The following are the transcribed voicemails from the SUSPECT:

First Phone Call/Message: (July 6, 2019 0112hrs)

Ya I'm just calling yall, because yall gotta be the dumbest, motherfuckin NBA association I ever heard of. First off bruh yall let go of Mello yall traded Paul George, who the fuck on the

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team will Russel Westbrook who yall traded for ??? (god) yall niggas is so stupid bruh I swear to god. Yall traded Paul George but you keep Raymond Felton tho cuz, you keep Andre Roberson Do yall not love Russell Westbrook? I know this nigga feel like he in hell. I hope he kill everybody, I want to kill everybody, I don't give a fuck if yall report this call. I hate you all. I don't even get paid for this shit, but yall got to be the dumbest. Bitch I aint even graduate from school I'm smarter than everyone in that front office. How da fuck is yall gonna trade Russel Westbrook tho cuz I don't give I don't know how long this message is I hope yall fuckin gather in a fuckin group and listen to this. Bitch I'm from Virginia yall niggas stupid as a bitch shawty yall trade Paul George for what? Why the fuck yall sign this nigga's extension to trade him? What the fuck?! Billy Donovan and the rest of you dumb ass niggas is stupid as a bitch. I wanna spit on all yall mummies I will piss on all yalls kids I will beat the shit out everybody kid that work there I swear to god (sounds like the male is beginning to cry at this point) this shit got me hot cuz I'm nip cuz this shit got me hot cuz (sounds like the male is giggling) on the down low this shit got me fucken hot shawty we got a real bitch situation shawty I sweat to god bruh if I ever go to Oklahoma bomb I fuckin blowin yalls shit the fuck up trace this number bitch Im standin on everything Im saying bitch stupid ass boys

Second Phone Call/Message: (July 6, 2019 0119hrs)

Hey I called about 5 minutes ago with some real disrespectful shit that Im still on that like yall niggas is dumb as a bitch oh nip cuz like (begins giggling) naw man fuck all that jokin shit like bruh what the fuck is wrong wit yall like yall could have traded Russ like yall could have traded Russ tho cuz (male sounds like he is beginning to cry) Steven Adams you got a whole rooster bitch you trade the best nigga on the team why did yall sign the extension to trade him to a team that gonna beat yall he gonna drop fifty on yall niggas when he play yall stupid (inaudible words) Russ Westbrook is a bum Im sorry I love him to death but hes a fuckin bum he cannot do this by himself all he would do is put up another MVP season (inaudible words) yall niggas stupid as a bitch shawty why da fu..why would yall trade him like what did he do? Was is because he said it was a dumb shot from ??? Miller like bruh yall niggas fuckin sick out yall mind there like sam ??? deliver as much as Sam Presti. Sam Presti I hope you fuckin die I hope, I hope you fuckin die cuz I swear to god I hope you fuckin die I hope you mumma dead you daddy dead I hope you wife get gang banged by 40 black niggas and a couple Mexicans I hope yall whole city blow da fuck up shawty (inaudible words) first off yall (bluemen or gloomy???) Oklahoma city thunder yall aint undoin shit by gettin ya ass whooped yall got you ass whooped by a team that got swept by the (inaudible) Warriors yall niggas fuckin pathetic, yes pathetic this is fuckin blasphemous stupid ass niggas swear to god bruh, yalls stupid as a bitch bruh what da fuck is yall doin what da fuck shawty?! I hate yall (inaudible word) I hate yall

SAM PRESTI (the general manager of the OKC THUNDER) is named in the voicemails and the voicemails target both he and the "office" of the THUNDER Organization.

The phone number of [REDACTED] is a Verizon Wireless cell phone.

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Through your Affiant's training and experience, I have learned that criminals use electronic/cellular devices, such as: cellular phones, electronic tablets, cellular or Bluetooth connected watches/accessories, computers, laptops, SIM cards, pagers, radios and other electronic means; to communicate, attempt to conceal, and/or further their criminal activities.

CONCLUSION

- I. Based on the aforementioned, I believe [REDACTED] provided by CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS was used to communicate by making voice calls to intimidate/harass/threaten in performing an Act of Threatening/Harassment by Electronic Device.
- II. I respectfully request the court issue the proposed search warrant and direct CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS to provide information listed in Attachment A, associated from the phone number [REDACTED]
- III. I anticipate executing this warrant pursuant to Chapter 24 in Title 22 of the Oklahoma State Statutes and 18 U.S.C. § 2703, by using the warrant to require CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS to disclose to the government copies of the records and other information particularly described in Attachment A concerning the CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS account identified by phone number [REDACTED]
- IV. Let it be known, Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service of this warrant.

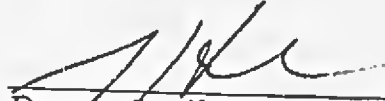
"...the presence of an officer shall not be required for service or execution of a search warrant issued in accordance with this chapter requiring disclosure by a provider of electronic communications service or remote computing service of the contents of communications or records or other information pertaining to a subscriber to or customer of such service."

REQUEST FOR PROHIBITION OF DISABLING, PROHIBITION OF
DISCLOSURE

Your Affiant, Detective Jennifer Harbuck, specifically requests that CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS be prohibited from disabling the account(s) listed above. I further request this Court order that CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS not disclose to the subscriber or customer the existence of this Application or any resulting Search Warrant.


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Respectfully submitted,



Detective Jennifer Harbuck # 1485
Oklahoma City Police Department
Criminal Intel Unit

Subscribed and sworn to before me at 2:11pm on 11th day of July, 2019
(Time)



JUDGE OF THE DISTRICT COURT
OKLAHOMA COUNTY
STATE OF OKLAHOMA

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ATTACHMENT A

I. Information to be disclosed by Celco Partnership d/b/a Verizon Wireless

To the extent the information associated with the **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS** account identified by phone number [REDACTED] is within the possession, custody, or control of **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS**, including any messages, records, files, logs, or information that have been deleted but are still available to **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS**, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS** is required to disclose the following information to the government:

- i. All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS** passwords, **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS** security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- ii. All COMMUNICATION sent and received to include but not limited to: text messages, instant messages, short message service (SMS) messages, multimedia messaging service (MMS), photos, audio files, emails, voice messages;
- iii. Tower locations, GPS coordinates, and/or any other geolocation data available;
- iv. All Internet Protocol (IP) addresses accessed and/or used;
- v. All activity logs, to include but not limited to: local and long distance telephone connection records, records of session times and durations, sent and received times for text and/or data transmissions;
- vi. The length of service for the account or profile (including start date),
- vii. Means and source of payment for service (including any credit card or bank account numbers)
- viii. All records pertaining to communications between **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS** and any person regarding the user or the user's **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS** account, including contacts with support services and records of actions taken.
- ix. A statement of authenticity from the custodian of records.

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This information is requested from:

July 1, 2019 00:00 to July 11th, 2019 00:00	(Central Daylight Time)
July 1, 2019 05:01 to July 11th, 2019 05:00	(Universal Time Coordinated)

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IN THE MATTER OF THE SEARCH OF
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RICK WARREN
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08

No.

SW-19-921

THAT IS STORED AT PREMISES
CONTROLLED BY CELCO PARTNERSHIP
D/B/A VERIZON WIRELESS

SEARCH WARRANT FROM ELECTRONIC STORAGE

In the Name of the State of Oklahoma:

To any Sheriff, Policeman, or Peace Officer in Oklahoma or any individual designated to assist the same in the execution of this warrant and in compliance with 18 U.S.C. § 2703(g):

Probable cause having been shown this day by the affidavit and sworn oath of Detective Jennifer Harbuck pursuant to Chapter 24 of Title 22 of the Oklahoma State Statutes, and in compliance with 18 U.S.C. § 2703, your affiant believes that the records for the CELCO PARTNERSHIP D/B/A VERIZON WIRELESS account identified by phone number [REDACTED] maintained by CELCO PARTNERSHIP D/B/A VERIZON WIRELESS contain data, records, communication, and other ascertainable items and information that constitute evidence of one or more crimes in the City of Oklahoma City, in the State of Oklahoma, in Oklahoma County;

And that the said evidence is subject to seizure upon one or more grounds as set forth in Chapter 24, Title 22 of the Oklahoma Statutes on that basis, and in accordance with 18 U.S.C. § 2703 and Federal Rules of Evidence, as well as the Constitution of the United States of America.

Additionally, upon review of the affidavit, the court finds as follows:

1. This court is a court of competent jurisdiction to issue such orders as defined by Title 18 Section 2711 and Section 3127 of the United States Code, and Title 13 Section 177.1 of the Oklahoma Statutes.
2. As a court of competent jurisdiction, this Court has the authority to order the disclosure of the above information, pursuant to 18 U.S.C. §§ 2703(c) and (d).

You are therefore commanded to make search of storage maintained in any location of any available data associated with CELCO PARTNERSHIP D/B/A VERIZON WIRELESS account identified by phone number (770) 876-7829 and produce all of the following associated with the criminal activity which occurred in the jurisdiction of this court:

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To the extent the information associated with the CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS account identified by phone number [REDACTED] is within the possession, custody, or control of CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, including any messages, records, files, logs, or information that have been deleted but are still available to CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS is required to disclose the following information to the government:

- i. All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS passwords, CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- ii. All COMMUNICATION sent and received to include but not limited to: text messages, instant messages, short message service (SMS) messages, multimedia messaging service (MMS), photos, audio files, emails, voice messages;
- iii. Tower locations, GPS coordinates, and/or any other geolocation data available;
- iv. All Internet Protocol (IP) addresses accessed and/or used;
- v. All activity logs, to include but not limited to: local and long-distance telephone connection records, records of session times and durations, sent and received times for text and/or data transmissions;
- vi. The length of service for the account or profile (including start date),
- vii. Means and source of payment for service (including any credit card or bank account numbers)
- viii. All records pertaining to communications between CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS and any person regarding the user or the user's CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS account, including contacts with support services and records of actions taken.
- ix. A statement of authenticity from the custodian of records.

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This information is requested from:

July 1, 2019 00:00 to July 11th, 2019 00:00 (Central Daylight Time)
July 1, 2019 05:01 to July 11th, 2019 05:00 (Universal Time Coordinated)

IT IS FURTHER ORDERED that CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS is not to disable the account(s) listed above.

IT IS FURTHER ORDERED that CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS is not to disclose to the customer or subscriber the existence of this Search Warrant or the Application for this Search Warrant.

Sworn to before me and subscribed before me at 2:15pm on the 11th day of July, 2019.
(Time)



Judge of the District Court
Oklahoma County
State of Oklahoma

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IN THE DISTRICT COURT)
OKLAHOMA COUNTY)
STATE OF OKLAHOMA)

RETURN AND INVENTORY JUL 16 2019

RICK WARREN
COURT CLERK

08

I, Detective Jennifer Harbuck, the officer who served CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS with a search warrant in accordance with Chapter 24 of
Title 22 of the Oklahoma State Statutes, as well as pursuant to 18 U.S.C. § 2703(g);

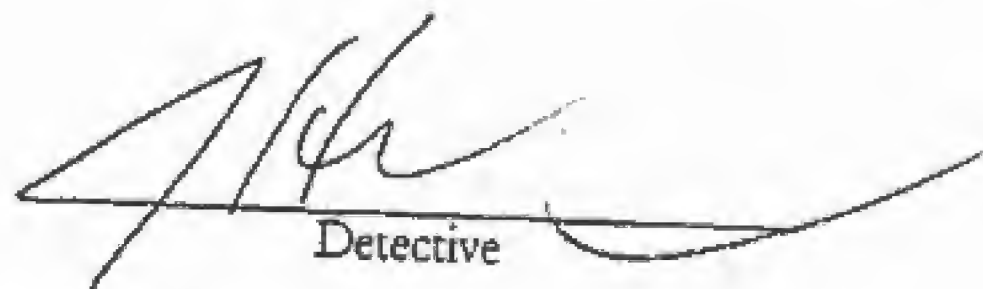
18 U.S.C. § 2703(g)

*"...the presence of an officer shall not be required for service or execution of a search warrant issued in
accordance with this chapter requiring disclosure by a provider of electronic communications service or remote
computing service of the contents of communications or records or other information pertaining to a subscriber
to or customer of such service."*

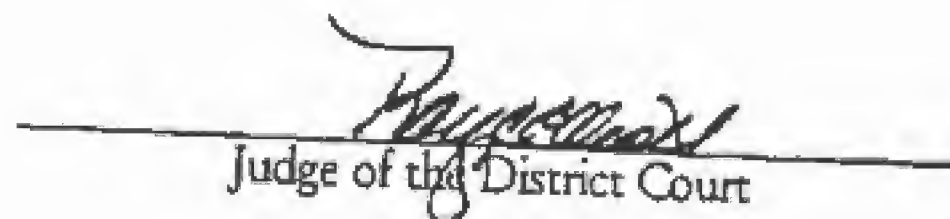
On July 15, 2019, swear the following is an actual inventory of all items seized and provided
to me during its execution.

EVIDENCE SEIZED:

Call detail records and subscriber information for cellular device number [REDACTED]


Detective

Subscribed and sworn to before me at 2:16 p.m. the 16th day of July, 2019.
(Time)


Judge of the District Court